

# **INFORMATION SHEET FOR PRO SE LITIGANTS**

## **UNITED STATES DISTRICT COURT DISTRICT OF NORTH DAKOTA**

Office of the Clerk of Court  
220 East Rosser Avenue, Room 476  
Post Office Box 1193  
Bismarck, North Dakota 58502-1193

Telephone: (701) 530-2300

Office of the Clerk of Court  
655 First Avenue North, Suite 130  
Fargo, North Dakota 58102-4932

Telephone: (701) 297-7000

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### **GENERAL INFORMATION**

1. You are responsible for complying with the Federal Rules of Civil Procedure and the Local Rules of Court. Legal research sources are listed below, see [References](#) on Page 2.
2. Employees of the court are not permitted to give you legal advice. Legal Aid and attorney referral services are listed below, see [References](#) on Page 2.
3. You are responsible for paying filing and copying fees: \$150 for filing a civil action; \$105 for filing an appeal; \$.50 per page for copying. Make your check or money order payable to "Clerk, U.S. District Court".
4. All communications to the court should be in writing and directed to the Clerk of Court at an address listed above. You should not directly contact a Judge or chamber's staff.
5. Before filing a civil action, consider the consequences of losing or filing a frivolous lawsuit. Under limited circumstances the court may order that the losing party pay the attorney's fees and costs incurred by the winning party to defend a civil action.

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### **TO FILE A COMPLAINT**

1. Refer to the Federal Rules of Civil Procedure and Local Rules of Court.
2. Cover sheet ([Form JS-44](#)) completed and signed is attached to the complaint. See, attached forms.
3. Original signed [complaint](#) is filed with the Clerk. Demand for jury trial is endorsed on complaint. See, attached Forms.
4. Filing fee of \$150.00 or [Application to Proceed Without Prepayment of Fees](#) is filed with the Clerk. See, attached Forms.
5. Summons will be issued by the Clerk along with Notice of Lawsuit/Request for Waiver of Service and Waiver of Service of Summons. Refer to Rule 4(d) of the Federal Rules of Civil Procedure.

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### **SERVICE OF SUMMONS AND COMPLAINT**

1. Refer to Rule 4 of the Federal Rules of Civil Procedure and Local Rule 4.2. For service upon the United States of America, refer to Rule 4 (i) of Federal Rules of Civil Procedure.
2. Original summons with return of service is filed with the Clerk.
3. Return receipt (green card) and a [Certificate of Service](#) is filed with the Clerk, if service by certified mail. See, attached Forms.
4. YOU are responsible for service of the summons and complaint upon all parties in the civil action.

**\*\*NOTE:** Enclose one additional copy of any document you file , if you desire a returned, date-stamped copy.\*\*

## **REFERENCES**

The following libraries are open to the public for legal research:

**Bismarck:**

State Supreme Court Law Library

**Fargo:**

Minnesota State University-Moorhead,  
Moorhead, MN  
Clay County Courthouse, Moorhead, MN

**Minot:**

Minot State University  
Minot Public Library

**Grand Forks:**

University of North Dakota Law Library  
Grand Forks County Courthouse

**Black's Law Dictionary** is a helpful resource to define legal terms you may encounter in the Federal District Court. This dictionary can be found at most major libraries.

The following organizations offer legal services:

**Legal Assistance of North Dakota:** 1-800-634-5263, with regional offices at Bismarck: 701-258-4270; Fargo: 701-232-4495; Minot: 701-852-3870; Grand Forks: 701-777-2932

**Legal Services of Northwest Minnesota** at Moorhead: 218-233-8585

**Lawyer Referral Service** of State Bar Association of North Dakota: 1-800-932-8880

The following internet websites may be useful for legal research. Many public libraries provide internet access to the public.

<a href="http://www.sband.org">www.sband.org</a>	Lawyer referral service of State Bar Association of North Dakota
<a href="http://www.legalassist.org">www.legalassist.org</a>	Legal Assistance of North Dakota
<a href="http://www.uscourts.gov">www.uscourts.gov</a>	Administrative Office of U.S. Courts, Publication: Understanding the Federal Courts
<a href="http://www.ndd.uscourts.gov">www.ndd.uscourts.gov</a>	US District Court website contains links for Federal Rules of Civil Procedure, Federal Rules of Evidence, United States Code, Local Rules of Court, forms and information.

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## **TERMS YOU MAY ENCOUNTER WHEN FILING A CIVIL ACTION**

(Refer to Black's Law Dictionary for additional terms)

**Amendment:** Correction of an error in any pleading or legal document.

**Answer:** Formal written statement made by a defendant in the civil action which answers each allegation contained in the complaint.

**Certificate of Service:** Document evidencing delivery of a legal document to a party. See, attached [Forms](#).

**Civil action:** Every lawsuit other than a criminal action; an action brought by a party to enforce or protect a private right.

**Complaint:** Legal document that begins a civil action. It states the facts and identifies the action the court is asked to take. See, attached [Forms](#).

<b>Costs:</b>	Expense of prosecuting or defending a civil action, other than attorneys fees.
<b>Defendant:</b>	Person defending a civil action.
<b>Dismissal :</b>	Termination of a civil action.
<b>Diversity of Citizenship:</b>	Condition when the party of one side of civil action is a citizen of one state and the other party is a citizen of another state; may be basis for federal court jurisdiction if dollar amount in controversy met (\$75,000).
<b>Federal Question:</b>	Legal issue involving the interpretation and application of the U.S. Constitution, an act of Congress, or a treaty; may be basis for federal court jurisdiction.
<b>Federal Rules of Civil Procedure:</b>	Rules governing civil actions in federal courts. Abbreviated as Fed. R. Civ. P. or FRCP. The appendix to the Rules contains many sample forms.
<b>Federal Rules of Evidence:</b>	Rules governing the admissibility of evidence at trials in federal courts. Abbreviated as Fed. R. Evid. or FRE.
<b>In Forma Pauperis:</b>	Permission to sue without prepayment of fees given by the court to a person who does not have financial means to pay. Abbreviated as IFP. See, attached <a href="#">Form AO-240</a> .
<b>Jurisdiction:</b>	Power or authority of the Court to hear and decide a case.
<b>Jury Trial Demand:</b>	Formal request to the court for a trial by jury; right to jury trial may be waived if demand not made promptly.
<b>Local Rules of Court:</b>	<a href="#">Rules of procedure for U.S. District Court, North Dakota</a> .
<b>Parties:</b>	Persons or entities who prosecute or defend a civil action.
<b>Plaintiff:</b>	Person prosecuting a civil action.
<b>Pro Se:</b>	Prosecuting or defending a civil action without the assistance of an attorney.
<b>Service of process:</b>	Delivery of legal documents to a party to furnish reasonable notice of proceedings and afford opportunity to appear and be heard.
<b>Summons:</b>	Document notifying defendant that a civil action has begun and that defendant is required to appear and answer the complaint.
<b>United States Code:</b>	Federal statutory law published as multi-volume code. Abbreviated as U.S.C.
<b>Venue:</b>	Geographical location where a civil action is tried.

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- G 1 U.S. Government Plaintiff
- G 2 U.S. Government Defendant
- G 3 Federal Question (U.S. Government Not a Party)
- G 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |     |     |   |     |     |
|---|-----|-----|---|-----|-----|
|   | PTF | DEF |   | PTF | DEF |
| Citizen of This State                   | G 1 | G 1 | Incorporated or Principal Place of Business In This State     | G 4 | G 4 |
| Citizen of Another State                | G 2 | G 2 | Incorporated and Principal Place of Business In Another State | G 5 | G 5 |
| Citizen or Subject of a Foreign Country | G 3 | G 3 | Foreign Nation  | G 6 | G 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
G 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	G 610 Agriculture	G 422 Appeal 28 USC 158	G 400 State Reapportionment
G 120 Marine	G 310 Airplane	G 362 Personal Injury—	G 620 Other Food & Drug	G 423 Withdrawal	G 410 Antitrust
G 130 Miller Act	G 315 Airplane Product Liability	Med. Malpractice	G 625 Drug Related Seizure of Property 21 USC 881	28 USC 157	G 430 Banks and Banking
G 140 Negotiable Instrument	G 320 Assault, Libel & Slander	G 365 Personal Injury — Product Liability	G 630 Liquor Laws	PROPERTY RIGHTS	G 450 Commerce/ICC Rates/etc.
G 150 Recovery of Overpayment & Enforcement of Judgment	G 330 Federal Employers' Liability	G 368 Asbestos Personal Injury Product Liability	G 640 R.R. & Truck		G 460 Deportation
G 151 Medicare Act	G 340 Marine	PERSONAL PROPERTY	G 650 Airline Regs.		G 470 Racketeer Influenced and Corrupt Organizations
G 152 Recovery of Defaulted Student Loans (Excl. Veterans)	G 345 Marine Product Liability	G 370 Other Fraud	G 660 Occupational Safety/Health	SOCIAL SECURITY	G 810 Selective Service
G 153 Recovery of Overpayment of Veteran's Benefits	G 350 Motor Vehicle	G 371 Truth in Lending	G 690 Other		G 850 Securities/Commodities/Exchange
G 160 Stockholders' Suits	G 355 Motor Vehicle Product Liability	G 380 Other Personal			G 875 Customer Challenge 12 USC 3410
G 190 Other Contract	G 360 Other Personal Injury	G 385 Property Damage Product Liability	G 710 Fair Labor Standards Act	FEDERAL TAX SUITS	G 891 Agricultural Acts
G 195 Contract Product Liability			G 720 Labor/Mgmt. Relations		G 892 Economic Stabilization Act
			G 730 Labor/Mgmt. Reporting & Disclosure Act		G 893 Environmental Matters
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	G 740 Railway Labor Act	G 861 HIA (1395ff)	G 894 Energy Allocation Act
G 210 Land Condemnation	G 441 Voting	G 510 Motions to Vacate Sentence	G 790 Other Labor Litigation	G 862 Black Lung (923)	G 895 Freedom of Information Act
G 220 Foreclosure	G 442 Employment	Habeas Corpus:	G 791 Empl. Ret. Inc. Security Act	G 863 DIWC/DIWW (405(g))	G 900 Appeal of Fee Determination Under Equal Access to Justice
G 230 Rent Lease & Ejectment	G 443 Housing/Accommodations	G 530 General		G 864 SSID Title XVI	G 950 Constitutionality of State Statutes
G 240 Torts to Land	G 444 Welfare	G 535 Death Penalty		G 865 RSI (405(g))	G 890 Other Statutory Actions
G 245 Tort Product Liability	G 440 Other Civil Rights	G 540 Mandamus & Other		G 870 Taxes (U.S. Plaintiff or Defendant)	
G 290 All Other Real Property		G 550 Civil Rights		G 871 IRS—Third Party 26 USC 7609	
		G 555 Prison Condition			

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

G 1 Original Proceeding	G 2 Removed from State Court	G 3 Remanded from Appellate Court	G 4 Reinstated or Reopened	G 5 Transferred from another district (specify)	G 6 Multidistrict Litigation	G 7 Appeal to District Judge from Magistrate Judgment
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VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

VII. REQUESTED IN COMPLAINT: G CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: G Yes G No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-44

### Authority For Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

**I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b.) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

**II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States, are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

**III. Residence (citizenship) of Principal Parties.** This section of the JS-44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

**IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section IV below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

**V. Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a) Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

**VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause.

**VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

**VIII. Related Cases.** This section of the JS-44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

\*\*\*\*Please be advised that the use of these forms may not be proper for your specific legal situation\*\*\*\*  
\*\*\*\*Please make an independent determination whether use of these forms is appropriate\*\*\*\*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NORTH DAKOTA**

☐ NE ☐ NW ☐ SE ☐ SW **DIVISION**

(Check the correct Division. See, [Local Rule of Court 83.1](#))

(Enter full name of each Plaintiff, above)

vs.

Civil Case No. \_\_\_\_\_  
(To be assigned by Clerk of Court)

§ **JURY TRIAL DEMANDED** ☐ Yes ☐ No  
§ (Check one)  
§  
§  
§  
§  
§

(Enter full name of each Defendant, above)

**COMPLAINT**

**I. JURISDICTION.** State the grounds for filing this case in Federal Court (include federal statutes or U.S. Constitutional provisions).

**II. PLAINTIFF.** For each Plaintiff list: name and address including City, County and State.

**III. DEFENDANT.** For each Defendant list: name and address including City, County and State.

**IV. CLAIM.** State the facts of your claim. Include the name of each person involved, dates and places. Be as specific as possible. Do not give any legal argument or cite any cases or statutes. Use additional sheets of paper if necessary.

**V. ADMINISTRATIVE PROCEDURES.** If applicable, state whether your claim was heard by any administrative agencies; the type of proceedings; the date and place of any proceedings; the outcome of any administrative proceedings.



**VI. RELIEF.** State what you want the Court to do for you.

**VII. SIGNATURE.** Each Plaintiff must individually sign this complaint. Use an additional page, if necessary.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
Signature of Plaintiff

\_\_\_\_\_  
Signature of Plaintiff

\_\_\_\_\_  
Printed Name of Plaintiff

\_\_\_\_\_  
Printed Name of Plaintiff

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone Number of Plaintiff

\_\_\_\_\_  
Telephone Number of Plaintiff

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NORTH DAKOTA**

Plaintiff

V.

Defendant

**APPLICATION TO PROCEED  
 WITHOUT PREPAYMENT OF  
 FEES AND AFFIDAVIT**

CASE NUMBER:

I, \_\_\_\_\_ declare that I am the (check appropriate box)

☐ petitioner/plaintiff/movant                      ☐ other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC § 1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated?                      ☐ Yes                      ☐ No                      (If "No," go to Part 2)

If "Yes," state the place of your incarceration \_\_\_\_\_

Are you employed at the institution? \_\_\_\_\_ Do you receive any payment from the institution? \_\_\_\_\_

Attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months' transactions.

2. Are you currently employed?                      ☐ Yes                      ☐ No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer.

b. If the answer is "No," state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

3. In the past 12 twelve months have you received any money from any of the following sources?

- |   |                              |                             |
|---|------------------------------|-----------------------------|
| a. Business, profession or other self-employment  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| b. Rent payments, interest or dividends           | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| c. Pensions, annuities or life insurance payments | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| d. Disability or workers compensation payments    | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| e. Gifts or inheritances                          | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| f. Any other sources                              | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

If the answer to any of the above is "Yes," describe, on the following page, each source of money and state the amount received **and** what you expect you will continue to receive.

4. Do you have **any** cash or checking or savings accounts? ☐ Yes ☐ No

If "Yes," state the total amount. \_\_\_\_\_

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or any other thing of value? ☐ Yes ☐ No

If "Yes," describe the property and state its value.

6. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support.

I declare under penalty of perjury that the above information is true and correct.

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Date

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Signature of Applicant

### **SAMPLE CERTIFICATE OF SERVICE**

After filing the complaint with the Court, every other legal document filed must be accompanied by an attached "certificate of service". The certificate of service acknowledges that you have provided each party in the civil action with an exact copy of the legal document, now being filed with the Court. It is YOUR responsibility to serve every party in a civil action. See, Federal Rule of Civil Procedure 5 and Local Rule of Court 4.2. A sample certificate of service follows:

### **CERTIFICATE OF SERVICE**

I hereby certify that an exact copy of the document to which this certificate is attached, was served upon all attorneys of record or upon all parties, if not represented by an attorney, by placing said copy in the United States Mail, postage prepaid and mailing to their last known address:

Attorney for Defendant #1	Attorney for Defendant #2	Defendant #3
Law Office ABC	Law Office XYZ	1234 Riverside Street
P.O. Box 123	P.O. Box 456	Small Town, ND 58XXX
Large Town, ND 58XXX	Middle Town, ND 58XXX	

Dated this 1<sup>st</sup> day of January, 2002

//Signature of Plaintiff//  
Printed Name of Plaintiff  
Mailing Address of Plaintiff  
Telephone Number of Plaintiff